

NO MOTORMEN SENTENCED FOR MANSLAUGHTER

They, Responsible for Fourteen Deaths in "L" Horror, Gets Short Term.

AND HIS PUNISHMENT.

Jury Ignores Clemency Plea of Man Who Watched His Game.

John Kelly, the Ninth avenue "L" man whose train was derailed at the third street, Sept. 11, 1906, and who killed fourteen persons, was sentenced to a term in Sing Sing of not more than two years and six months and not less than one year and six months, by Judge Malone, in his annual sessions, to-day, after a denial of his negligence.

A few minutes afterward Judge Malone sentenced Thomas McDermott, the engineer of the train, to a term of not more than two years and six months and not less than one year and six months, by Judge Malone, in his annual sessions, to-day, after a denial of his negligence.

Both sentences came after recommendations of clemency from the jury.

Judge Malone declared that he was not the power of the Court to condemn. Addressing Kelly, he said:

"To protect and secure human life from consequences arising out of culpable negligence is the purpose of the law with reference to the charge of which you have been found guilty."

"In the second degree, negligence is beyond the power of the Court to suspend sentence. Your negligence caused the loss of lives. I have to sentence you."

Gross Carelessness Manifest.

"There is no depravity in your offense. The Court even believes that your recollections of the horror will be sufficient for you. The rate of speed at which you propelled your train showed gross carelessness and negligence of duty."

"You failed to observe signals. You found guilty, and Kelly, how much covered in that word 'guilty.' Your duty will ever recall the lives you sacrificed by your neglect. Your victims will never return to confront you, but your conscience will hold the record of your guilt before you."

"Law is not an idle threat. It is enforced. Your conviction gives that honest men will find convictions and a Judge will inflict punishment. It must be substantial, that duty may be preserved and lives of men respected. Let other men take a warning from your fate."

Only one other motorman of a subway car has been sentenced to Sing Sing. He was convicted of manslaughter after killing a person while intoxicated and running his car, and was given ten years. Judge Foster four months ago sentenced Cornelius Sullivan, the towerman in the Ninth avenue "L" disaster, to five years in Sing Sing, but Sullivan has since appeared in court.

DRIVER FROZEN DEAD

CROSSING THE BRIDGE.

Policeman Finds Grimes Dying on Seat of Wagon and Ambulance Is Too Late.

A hard task confronted William Grimes, a marketman who controls several stalls at the Wallabout Market, to-day, when it fell to him to tell the family of John Grimes, one of his drivers, that the man had fallen dead from extreme cold on the Brooklyn Bridge.

Grimes, who lived at Franklin avenue and Clifton place, Brooklyn, was seen by a bridge policeman to reel from his seat as his team reached the Manhattan tower on the north roadway of the bridge. Three ambulance calls were sent to as many hospitals, but they were all busy. Finally a surgeon from St. Gregory's Hospital reached Grimes's stall. It was too late to do anything for him.

His employer was notified, and he broke down as the bridge police told him that his driver was dead.

"He has a wife who has been ill for several weeks," said Mr. Grimes, "and five children, two of whom are sick. He was worn out sitting up at night attending to them. I don't know how I am to tell them of this."

Grimes had worked for John Grimes for twenty years and was one of his most trusted men.

When Asked:

"How would you propose giving an able-bodied man work when there is no work?"

Sec'y Taft Said:

"God knows—I don't!"

As a matter of fact, this is NOT the question of the hour. There is not and probably never will be, so dark a day in the history of this nation when an able-bodied man or woman or boy or girl cannot find work of one kind or another.

TO PROVE THIS TO YOUR OWN SATISFACTION DO AS THOUSANDS OF EMPLOYED NEW YORKERS HAVE DONE—USE A 12-WORD-FOUR-QUARTER "SITUATION WANTED" AD. IN THE MORNING WORLD. THEN YOU WILL KNOW FROM PLEASING EXPERIENCE

There's Plenty of Work for All.

SHOT BY BANDIT AFTER HARD FIGHT IN DARK HALLWAY

Winner at Cards Waylaid by Man Who Watched His Game.

PROMINENT IN ALBANY.

Defendant Asks to Have the Case Taken Up There for Trial.

John H. Gleason came from Albany to-day to ask Justice Leventritt in the Supreme Court to transfer to Albany County the action in which Sara Alice Cunningham Murtagh demands an absolute divorce from Richard W. Murtagh, of the Amstedt Brewing and Malting House, Albany.

Mr. Gleason, quoting from voluminous affidavits, declared that Mr. Murtagh had never lived anywhere but in Albany, and that Mrs. Murtagh's claim to be a resident of New York was untrue, her home being at No. 46 Dove street, Albany, while the affidavits, witnesses enumerated in his affidavit all live in Albany, Troy and Schenectady.

Against this Philip L. Schick, Mrs. Murtagh's lawyer, presented the affidavits of John Peacock, chief clerk, Charles Platter, assistant clerk, James C. Clary, and other guests, that Mrs. Murtagh had been living at the Hoffman House since June, 1907.

Mr. Gleason handed up a bunch of letters to Justice Leventritt, which he said would show that Mrs. Murtagh was hopelessly insane.

But while Justice Leventritt was wondering audibly why these papers were thrust into a matter for change of venue, Mr. Schick said:

"The insanity charge."

"Yes, your honor, that charge has been made twice before on these same letters and twice has been adjudicated in her favor—Surrogate Pitts, of Albany dismissing the insanity charge once, and County Judge Van Dergue on the second trial."

Then the whole story came out. The letters referred to were addressed by Mrs. Murtagh in 1906 to District Attorney Addington, in which she charged that her husband and others had been intercepting private letters of one of the Amstedts for the purpose of blackmailing him into settling their gambling debts to Preussner, who was killed by Miles McDonald at the Hotel Ten Eyck, as well as other gamblers. The letter said the blackmailers had threats of having the letters given to the husband of the writer, who would sue for \$100,000 damages for alienating his wife's affections.

Others of the letters were to the District Attorney at Binghamton, and in one occurred the sentence:

"Gov. Charles Evans Hughes is no better informed on his constitutional rights than I am."

She calls the Amstedt Brewing Company "that rotten Tammany annex," speaks of Charles F. Murphy as the "robber of the heart of the Mayoralty," and characterizes David B. Hill, former Judge Herick, "Tony" Brady and other conspicuous public figures after a fashion which no up-to-date court would declare to be evidence of lunacy.

Mrs. Murtagh was Clara Alice Cunningham until her marriage in 1884. The Murtaghs had acquired a splendid reputation and lived in style in Albany until 1906, when, she alleges, he turned her out. He says she left, taking with her about \$15,000 worth of securities, which have since greatly increased in value.

Abusive, She Says.

She says he had been very abusive, calling her vile names, striking her with a riding crop, and once he brandished a carving knife and threatened to kill her. She also accuses him of forcing her to have an abortion.

But she asks an absolute divorce on the ground that she is insane, and that she is insane because of the insanity proceedings against her husband.

Then she speaks with Frances Haines, an alleged ally, and has her a lunatic for a witness and declares that such person as Frances Haines exists except in the imagination of her ally in reply to this Mr. Schick showed that after the second trial of Mrs. Murtagh to get her wife committed to an insane asylum, she continued to live in Albany.

Chief of Police James L. Hays, and Dr. V. Shupry, all of Albany, or \$5000 damages each, for alleged conspiracy to railroad her to an asylum.

Decision was reserved.

B. R. T. TIED UP AGAIN DURING EARLY RUSH.

There was much trouble and delay on the surface and elevated systems of the B. R. T. during the early rush hours to-day.

The halt in the operation of the trolley system was caused when a Halsey street car, well filled with passengers, struck as the track as it crossed Sands street, preparatory to running over the bridge. Traffic was tied up for forty minutes while the car was jacked back on the tracks.

The elevated trains on all lines were delayed on account of moisture which had condensed in the air tanks of the pneumatic brakes having frozen and put them out of business temporarily.

Motormen said that they were under strict orders not to cross the bridge unless their brakes were in perfect order.

RECORD ALASKAN WINTER TRIP

WASHINGTON, Jan. 31.—The longest winter trip in Alaska was made to-day by an army officer has been started by Capt. Hanson B. Black, of the Signal Corps, on an inspection tour of the Alaskan coast.

He started from Valdez Jan. 12, with an army sergeant, traveling by dog team, going first to Eagle City, thence to Circle City, Fairbanks, and then to Bettendorf, a distance of 100 miles. He expects to be gone until

WIFE INSANE HIS ANSWER IN DIVORCE SUIT

Mrs. Murtagh Has Twice Been Vindicated, but Husband Renews the Charge.

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THIEF IN GARB OF CLERGYMAN ROBBED MANY

La Roche Confesses, the Police Say, to No Less Than Fifty Crimes Here.

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Defendant Asks to Have the Case Taken Up There for Trial.

In the garb of a clergyman a prisoner was led into Police Headquarters to-day by Detectives Rochford and Brogan, of the West Sixty-eighth street station. They said he had made a remarkable confession, telling how he had committed more than fifty robberies in New York.

He was held in \$1,000 bail for the Grand Jury when arraigned in the West Side Court to-day.

For the past six weeks there has hardly been a day that some boarding-house keeper has not reported having been robbed by a man who represented himself as a clergyman. The story was the same always. The man would apply for board and pay a small deposit, explaining that his trunk would be along from Philadelphia later. The man's voice was soft, and his general appearance left no doubt in the minds of the boarding-house keepers that he was all he represented himself.

"I am taking an extra course in theology," he would always add.

Mrs. John McGuire, of No. 103 West Sixty-third street, gave board to the good looking "clergyman" yesterday. He went to his room, one of the most expensive in the house, and later made for the street. Hardly had he gone when it was discovered he had taken a \$25 overcoat belonging to another boarder with him.

Found in a Saloon.

Rochford and Brogan were assigned to the case. They learned that a clergyman was in a saloon at No. 207 Columbus avenue, about 1 o'clock this morning, and going there landed their man.

At Headquarters he said that he was Wilfred La Roche, a cook, of No. 406 Eighth avenue.

"I haven't been working at cooking recently," he told Lieut. Mannion, who was questioning him. "It wasn't profitable—at least it wasn't as profitable as being a clergyman."

When the examination of the prisoner was over Lieut. Mannion said the man had made a remarkable confession.

"He said he recalled fifty robberies he has committed," the Lieutenant began. "He declared he had been in prison in Philadelphia for robbery and came on here five weeks ago, and since then he has found it most profitable to be a clergyman. He said also that when he got into a house he often put on stolen clothes, either over or under his own clothes."

In the man's pockets the detectives found a membership ticket to the "White Rat" Society, which showed his dues had been paid by Earl Jerome up to May, 1908. He told the police that he was a member of the White Rats.

This leads to the belief that he is some sort of a racketeer, who has attempted to get through a hard winter by stealing.

HEAVY WHEAT SLUMP IN CHICAGO MARKET.

CHICAGO, Jan. 31.—Exceedingly heavy shipments from Argentina caused a sharp slump in wheat to-day. The amount was over 9,000,000 bushels, which was 600,000 bushels more than had been expected.

The market opened weak, with a flood of selling orders, which continued throughout the day. May wheat, which opened at an extreme decline of 1-16 cent from the closing price of yesterday, sold off until it touched 96-1/4, which was a decline of 2-1/2 cents under the high price of the day.

At times the selling was heavy enough to bring about a panic in the market, approaching demoralization. Prices steadied somewhat before the close, which was, however, quite weak.

The price of May wheat declined 3 cents to a barrel on the New York Produce Exchange to-day, making a decline of 4 cents a bushel within two days and a total decline of 11 cents since the first of the year. The price of July wheat declined 1-16 cent to-day and closed at 103-1/4. The net decline of July wheat, closing at 103-1/4, was 2-1/2 cents per bushel, closing at 105-1/4.

The break in the price was attributed to a rush of orders for the Argentine supply and demand, record-breaking Argentine shipments and weak cables from London, which were interpreted in sympathy with wheat.

JAPS WATCHING FLEET INTEREST NAVAL MEN.

WASHINGTON, Jan. 31.—The reported presence of two Japanese observers at Punta Arenas just as the American battleship fleet nears that place has attracted the attention of the naval officers here. There is no disposition, however, to attribute any improper purpose to the Japanese in this case because, according to these officers, they are doing only what every other naval power is doing in seeking to learn all possible technical information respecting the manner in which the warships have withstood the severe strain to which they have been subjected.

The fact that the two Japanese in question apparently have made no attempt to move secretly is an indication of the officers here believe, that they have no doubt as to the propriety of their mission and affords no ground for having them removed to the East.

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Simon Herbert Died as He Ate Breakfast.

While eating breakfast to-day Simon Herbert, a butcher, of No. 14 Orchard street, choked to death as a result of the lodging in his trachea of a piece of bread.

None of the family knew the cause of his death and summoned Assemblyman John J. O'Brien, who was notified by Coroner's office.

Dr. Philip J. O'Hanlon made a post-mortem examination. He found the bread in Herbert's windpipe.

DR. DARRINGTON'S WEDDING IS OFF "INDEFINITELY"

Announcement Follows Departure of Fiancee, Miss Green, for Europe.

PROMINENT IN ALBANY.

Defendant Asks to Have the Case Taken Up There for Trial.

Following the departure of Miss Susanne Livingston Green, daughter of the late Charles Ewing Green, of Trenton, N. J., with her brother, Henry W. Green, for Europe on the Moitke last Wednesday, announcement was made to-day that her engagement to Dr. Thomas Darrington, Commissioner of Health of New York City, had been broken or "postponed indefinitely," Dr. Darrington says.

The announcement was made by the young woman's family, no cause being given other than the reported ill health of Miss Green. It is stated, however, by friends of the Greens that the prospective marriage aroused a deal of opposition from the relatives and friends of Miss Green.

"Miss Green has gone to Europe with her brother under advice from her physician," said Dr. Darrington. "She has been very ill. I can say nothing else except that our wedding will have to be indefinitely postponed."

Miss Green is one of the leaders in Trenton society, but has been in seclusion during the winter owing to her deep mourning for mother and aunt.

The wedding was to have been a quiet one. Miss Green's father was for many years a trustee of Princeton University, her brother succeeding to the position.

Dr. Darrington, who has been married twice and divorced from his second wife, has been health officer in both administrations of Mayor McClellan.

FOUR IN MASKS BEAT GROCER WHO BALKS BURGLARY

Held Up in Hallway at Point of Pistol, He Fights Them.

When about to close his store last night Thomas Gallagher, a grocer, of No. 54 Newark avenue, Jersey City, was attacked by four masked men who had evidently planned to rob the store. Gallagher made a vigorous resistance and shouted for help, and when help came to his aid his assailants fled without having secured any booty. Four arrests were made to-day.

Gallagher was in the hallway adjoining the store when four men wearing cloth masks entered by a rear door and advanced on him with revolvers. Gallagher sprang at the leader, and in a scuffle tore off his mask and knocked off his hat. Striking away the intruder picked up an iron pipe and struck Gallagher on the head with its handle. Gallagher dropped, and the men, hearing the approach of persons who had heard the grocer's cries, fled, scaling a fence.

Detective Sergeant David Noble arrested four men yesterday. They are Frederick A. Hilger, eighteen years old; Charles Finn, twenty-one years old; John Fied, twenty years old, and Edward Smith, nineteen years old, all living in a lodging house at No. 25 Montgomery street.

Detective Sergeant Noble's informant was a young man who said that he had been asked to join in the hold-up, but, being a friend of Gallagher, he refused, and had urged that the plot be abandoned.

The prisoners were held by Judge John W. Queen in the Second Criminal Court to-day for further examination.

EDWARD CROMWELL, OLD NEW YORKER, DEAD.

DENVER, Jan. 31.—Edward Cromwell, aged eighty-seven years, died last night at the home of his daughter, Mrs. Gertrude C. Sampson, in this city. Mr. Cromwell's long life was largely devoted to philanthropic and patriotic work. He was born in New York City and was a member of one of the oldest American families and was the oldest direct descendant of Oliver Cromwell.

Mr. Cromwell was for a long time a conspicuous figure in the business world, operating the largest flour mill in the United States. He was a charter member of the New York Produce Exchange and was one of its oldest and most respected members. He was an active member of the famous New York Volunteer Fire Department. During the draft riots of 1863 in New York City Mr. Cromwell drew and organized troops, enrolling many of his own family members in the Fire Department. These men drilled daily and fought to protect the colored men in the streets of New York from the rioting and looting of the day.

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EXPLOSION HURLS MAN TWENTY FEET.

The explosion of a gasoline tank used to operate a welding machine in the Empire Machine Works, at No. 132 Metropolitan avenue, Williamsburg, to-day hurled Hugh Farnell, of No. 12 Kings great avenue, Williamsburg, who was operating it, twenty feet across the shop.

Farnell's body struck another man working in the place and smashed him against a wall. Farnell, whose injuries are serious, was removed to the East River District Hospital.

The noise of the explosion caused great excitement in the neighborhood, and the police were called to the scene. The explosion occurred while Farnell was welding a piece of machinery.

CHOKED TO DEATH BY BREAD.

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